

January 20, 1999

Mr. Robert M. Palmer
P O Box 1555
Ogunquit, ME 03907

RE: Robert M. Palmer
Request for Waiver of Chapter 65 of Commission Rules
Docket No. 98-811

Dear Mr. Palmer:

This is in response to your request for a waiver of Chapter 65 of the Commission Rules filed on October 16, 1998. After reviewing the request, the supporting information, and the July 16, 1998 response of the Kennebunk, Kennebunkport and Wells Water District (District) to a Consumer Assistance Division information request, it is my understanding that you are requesting a waiver of Chapter 65 to permit you to continue to receive water service through a connection to an abutter's (Matt Roche) service line located in the basement of the establishment/house on that property (i.e. to maintain the status quo). The Commission has delegated its authority to approve such waivers to the Director of Technical Analysis.

The District has taken the position that the service to your property is improper and should be corrected at this time. The District notes that Chapter 65 (Water Main Extension and Service Line Rule) would require that your property be served through a main extension along your access road. While the District objects to a waiver that maintains the status quo, it has indicated that it would not object to a waiver that would allow you to receive water from the District's water main in Route 1 through a separate water service. This can be accomplished by disconnecting your water line from Mr. Roche's service and extending it around the outside of Mr. Roche's building to connect with a new service drop from the District water main.

After reviewing the available information, I conclude that Chapter 65 requires that you be served through your own service line connected directly to a District water main. This is necessary to enable the District to follow the prescribed collection procedures and to avoid becoming responsible for the maintenance of a pipeline on, under, and inside Mr. Roche's property/building. A separate service will also insure that you will be able to receive water service if Mr. Roche should fail to pay for water service.

Chapter 65 would also require that you obtain water service from a main extension to be constructed in the access road to your property and other properties. The District has suggested a less expensive alternative, but that too would require a waiver of Chapter 65. That alternative, discussed above, is to disconnect your water line from Mr. Roche's

service and extend it around the outside of Mr. Roche's building to connect with a new service drop from the District water main in Route 1. The proper way to serve your property is through a main extension along the access road. Recognizing the extenuating circumstances in this case, I will accept the alternative suggested by the District.

Therefore, your request for a waiver of Chapter 65 to permit you to continue to receive water through Mr. Roche's service line is denied. You must have your own service. I will, however, grant a waiver of Chapter 65 to permit you to connect your water line to the District water main in Route 1 by extending your existing water line around the outside of Mr. Roche's building to connect with a new service drop (see the attached sketch provided by the District). Failure to have this work completed by September 1, 1999, will be grounds for disconnection. It is your responsibility to secure any additional easements/rights necessary to install and maintain the new service line.

Please do not hesitate to contact Ray Hammond, Utility Engineer, if you have questions regarding this decision.

Sincerely,

Faith Huntington
Acting Director
Technical Analysis Division

Enclosure

cc: Ray Hammond
Steve Dunn
Kennebunk, Kennebunkport,
& Wells Water District